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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/563,338 | 01/03/2006 | Louis Lagler | P/4631-14 | 8840 |
| 2352 7590 09/15/2009 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403 | | | | |
| EXAMINER KIRSCH, ANDREW THOMAS | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3781 | | | | |
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| 09/15/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. The amendment filed 8/27/2009 has been received but will **NOT** be entered.

Response to Arguments

2. Applicant's arguments filed 8/27/2009 have been fully considered but they are not persuasive.
3. Applicant argues on page 5 of the remarks that the examiner has not provided a reference disclosing the molding of a closure in a closed position. However, the examiner maintains the scenario of molding a closure in a closed position by use of a two-stage mold to be well within the ordinary skill of one in the art at the time of the invention, and further furnishes a reference at the applicant's request. As seen in Fig. 2 of U.S. Patent No. 3,677,431 to Westfall, a two stage molding process is preferred to form the closure (24) and the finish ring (26) in the closed position before being applied to a container.
4. Applicant points out on page 6 of the remarks that claim 1 has been modified to include the limitation that the "sealing means directly contact the neck of the bottle," which represents an issue not presented in previous prosecution, and would require further search and consideration on the part of the examiner. The amendment will not be entered because of this reason.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW T. KIRSCH whose telephone number is (571)270-5723. The examiner can normally be reached on M-F, 8am-5pm, Off alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew T. Kirsch/

Examiner, Art Unit 3781

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781

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